THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.20780 of 2007

Between:

Adivi Reddy.

.. PETITIONER

and

The Tahsildar.

.. RESPONDENT

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ORDER:

It is the case of the petitioner that he is the joint owner and possessor of the agricultural lands admeasuring Ac.1-20 gts in Sy.No.199/19 and Ac.1-00 gts in Sy.No.199/23 respectively situated at Khapra village, Keesara Mandal, R.R.District, having inherited the same from his late father Komrelli Anjaiah, who was the original assignee. After the death of his father, the petitioner and his brother are in continuous possession and enjoyment of the same. In the earlier occasion, the respondent herein has taken steps to dispossess the petitioner from the lands in question and to that effect he filed L.G.C.No.71 of 89 before the Special Court under A.P.Land Grabbing (Prohibition) Act, 1982 and the same was dismissed through order, dated 24-03-1992. While so, on 05-09-2007 and 26-09-2007 the respondent made an attempt to dispossess the petitioner from the lands in question without following due process of law. Therefore, this writ petition is filed seeking a Writ of Mandamus declaring the action of the respondent in trying to dispossess the petitioner from the lands in question without following due process of law as illegal and arbitrary.

On instructions, learned Government Pleader for Revenue appearing for the respondents submits that Form-I Notice was issued in proceedings No.B/52/2007, dated 26-04-2007, in favour of one Bodapatla Bhoopal Reddy; S.Nirmala; D.Mallesh and C.Jangaiah, stating that originally the said lands were assigned in favour of one Komrelli Balaiah and Sri Komrelli Anjaiah and they sold the said lands in favour of one Bodapatla Bhoopal Reddy; S.Nirmala; D.Mallesh and C.Jangaiah in contravention of Sub-Section (2) of Section 3 of A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 (for short “the Act”). As no explanation has been received pursuant to the said show cause notice, dated 26-04-2007, resumption orders have been passed in proceedings No.B/52/2007, dated 08-06-2007, under the provisions of Section 4(1)(a) of the Act and the possession of the said lands were also taken into Government custody under a cover of panchanama on 30-06-2007.

In view of the resumption orders passed by the respondent on 08-06-2007, the writ petition is dismissed with liberty to the petitioner to

question the said resumption order, dated 08-06-2007, before the Revenue Divisional Officer. There shall be no order as to costs.

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26-10-2007

Prv